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COMMONWEALTH OF VIRGINIA

STATE CORPORATION COMMISSION

AT RICHMOND, JANUARY 29, 2001

PETITION OF

CAVALIER TELEPHONE, LLC

CASE NO. PUC000262

For emergency relief to
halt unlawful customer
disconnects by Verizon
Virginia Inc.

ORDER GRANTING INJUNCTION

On September 28, 2000, Cavalier Telephone, LLC ("Cavalier"), filed the above-captioned petition with the State Corporation Commission ("Commission"). A Preliminary Order was entered on October 3, 2000, directing Verizon Virginia Inc. ("Verizon Virginia") to file a response by October 6, 2000. With leave of the Commission, Verizon Virginia filed its initial response one day out of time, and Cavalier filed a reply on October 10, 2000.

On November 2, 2000, the Commission entered an Order Establishing Hearing, in which we scheduled the matters contained in the petition for hearing and directed the parties to present testimony in support of their pleadings.

On November 21, 2000, the matter was brought before us for hearing. Cavalier sponsored the testimony of six witnesses, including members of the public whose telephone service had been disrupted following their decision to convert

their Verizon Virginia service to Cavalier. Verizon Virginia sponsored the testimony of three witnesses, who detailed the efforts made by the company, along with Cavalier, to address the admitted problem of these so-called "premature disconnections" of service. The parties differed on what constituted a premature disconnect and the responsibilities of each company in ensuring that a customer's service is not disrupted as it is being converted. However, for purposes of this Order, the term premature disconnect is defined as a disconnection or significant disruption of the customer's live service provided by Verizon Virginia before it is moved to Cavalier as intended by the customer. This definition should encompass most, if not all, types of disputed customer service disruptions including those involving hot cuts, new loop orders, and local number portability.

NOW THE COMMISSION, having considered the pleadings, the testimony adduced at the hearing, the applicable statutes and rules, and the parties' briefs, is of the opinion and finds that the relief requested by Cavalier should be granted, in part. Accordingly, we will enjoin Verizon Virginia from unreasonably disconnecting service to customers switching from its service to that of Cavalier before the Cavalier service is connected as intended. We find no evidence to suggest that the level of premature disconnects, which we find to be unacceptable, resulted from anything other than unintentional

action. Nevertheless, we cannot condone this inattention to customer service. We direct our Staff to continue to monitor this issue. Further, we direct the parties to provide such information as requested by the Staff to assist in overseeing the rectification of such premature disconnect problems. The Staff shall provide us with periodic reports, beginning March 8, 2001, and continuing quarterly thereafter, unless, in the opinion of the Staff, service deterioration requires more frequent reporting. We admonish the parties to continue all cooperative efforts to ameliorate the problem of premature disconnection of service.

THEREFORE, IT IS ORDERED THAT:

(1) Verizon Virginia is enjoined from unreasonably disconnecting service prematurely to customers switching from its service to service provided by Cavalier.

(2) Beginning February 12, 2001, and by the fifteenth day of each month thereafter, Verizon Virginia and Cavalier shall provide monthly reports for the preceding month to the Division of Communications detailing the number, if any, of premature disconnections of service. Such reports may be filed jointly, or separately, as the parties desire. Each report shall categorize the type and, to the extent determinable, cause of each such disconnection.

(3) The Staff of the State Corporation Commission shall provide reports to the Commission on the status of this issue

on a quarterly basis, beginning March 8, 2001, unless, in the opinion of the Staff, service deterioration warrants more frequent reporting or other action. Copies of such reports shall be provided to counsel for the parties.

(4) This matter is continued for further orders of the Commission.